IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2580 OF 2006

Pushpa Avinash Barsay ... Petitioner

Versus

State of Maharashtra and others ...

Respondents

Mr. M.P. Vashi, instructed by M/s. M.P. Vashi & Associates, for the petitioner.

Ms. Mugdha Jadhav, Assistant Government Pleader, for respondent Nos. 1 and 2.

Ms. Nandini Menon for respondent Nos. 3 and 4.

Mr. S.D. Dighe for respondent No.6.

CORAM: **SWATANTER KUMAR, C.J.** & **S.R. SATHE, J.**

DATE: **APRIL 02, 2007**.

P.C.

The learned counsel appearing for the petitioner very fairly states that in view of the Full Bench judgment of this Court in the case of *St. Ulai High School, through its Principal and another* vs. *Devendraprasad Jagannath Singh and another*, [2007 (1) Bom. C.R. 540], he seeks leave to withdraw this petition with liberty to file a

proper appeal under the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Rules framed thereunder. He further states that the appeal, if preferred by the appellant, should not be dismissed on the ground of limitation alone inasmuch as she was pursuing bona fidely the present writ petition before this Court. Learned counsel for the other respondents have no objection. Consequently, we dismiss this petition as withdrawn with liberty to the petitioner to take recourse to such legal remedy as is permissible to her in law. We further observe that the period spent by the petitioner before this Court in pursuing the present writ petition shall be excluded in contemplation of Section 12 of the Limitation Act.

CHIEF JUSTICE

S.R. SATHE, J.